

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK BRUMMITT,

Defendant.

ORDER

08-cv-215-bbc
04-cr-127-bbc

Defendant Mark Brummitt has filed a motion for a certificate of appealability from the judgment entered in this case on May 13, 2008, denying his § 2255 motion together with a request for an extension of time until July 21, 2008, to file a supporting memorandum and brief.

I will deny defendant's request for additional time within which to file a brief supporting his request for a certificate of appealability. There is little that defendant could state in a memorandum that would assist the court in deciding his motion.

As to as defendant's motion for a certificate of appealability, such a certificate shall issue "only if the applicant has made a substantial showing of the denial of a constitutional

right.” § 2253(c)(2). Before issuing a certificate of appealability, a district court must find that the issues the applicant wishes to raise are ones that "are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further." Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983). " None of defendant's challenges to his sentence meet the demanding standard for a certificate of appealability. As I explained in the order entered on May 13, 2008, there is no merit to any of defendant's claims . The issues defendant seeks to raise on appeal are not debatable among reasonable jurists, no court would resolve the issues differently and the questions are not adequate to deserve encouragement to proceed further. Therefore, I decline to issue a certificate of appealability.

ORDER

IT IS ORDERED that defendant Mark Brummitt's request for a certificate of appealability and for an extension of time in which to file a memorandum in support of his

request for a certificate of appealability are DENIED.

Entered this 16th day of July, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge